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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

#9 DAC

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

.....98-010-C1.....

First named inventor: Jay S. Walker

Group Art Unit: 3714

Application Number: 09/716,918

Examiner: Carmen D. White

Filed: November 20, 2000

Title: ELECTRONIC AMUSEMENT DEVICE AND METHOD FOR ENHANCED SLOT MACHINE PLAY

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

RECEIVED

FEB 1 2 2003

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

- ☒ small entity - fee \$ 55.00 (37 CFR 1.17(I)).
- ☒ small entity statement enclosed herewith.
- ☐ small entity statement previously filed.
- ☐ other than small entity - fee \$ _____ (37 CFR 1.17(I)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of _____ (identify the type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

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Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

February 6, 2003

Date


Signature

Telephone

Number: (203) 461.7292

Michael D. Downs

Typed or printed name

Five High Ridge Park

Address

Stamford, CT 06905

Enclosures: ☐ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Small Entity Status Form

☐ Additional sheets containing statements establishing unavoidable delay

☒ Return Receipt Postcard

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

February 6, 2003

Date

Signature

Veronika S. Leliever

Typed or printed name of person signing certificate

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UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.

February 6, 2003

Date



Signature

Michael D. Downs

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

Applicants filed a Transmittal Letter, Utility Patent Application Transmittal Letter, Patent Application, Formal Drawings, Copy of Executed Combined Declaration and Power of Attorney, Copy of Recordation Cover Sheet, Copy of Executed and Notarized Assignment of Invention, Rights and Interest in Invention, Information Disclosure Statement, PTO Form-1449 and Copies of thirty-six references cited therein, on November 20, 2000.

In response from the USPTO, Applicants received a Filing Receipt, dated April 19, 2001. Applicants filed a Supplemental Information Disclosure Statement with PTO Form-1449 and references on January 15, 2002 and again on October 18, 2002.

Applicants received nothing further from USPTO until Examiner Carmen White called Dean Alderucci, responsible attorney for Applicants, on December 10, 2002 to discuss with him the lack of response to Office Action, which was mailed by the USPTO on May 3, 2002.

Pursuant to Examiner White's telephone call, Veronika Leliever, senior patent paralegal, researched the case history for the captioned application and spoke to Examiner White on the same day by telephone.

Applicants hereby attest to the fact that a search of the file jacket and docket records as well as the Computer Packages Inc., which is a computer software used for tracking actions to and from USPTO, indicate the Office Action mailed on May 3, 2002 was not received by Applicants. Please find enclosed Exhibit "A", a copy of the printout, that is regularly updated and utilized in tracking actions throughout the prosecution history of Applicants' patent applications. It clearly shows that Applicants did not receive an Office Action, nor any other communication except the Official Filing Receipt on April 25, 2001. Furthermore, Applicants' occassional checking of PAIR yielded no information at all as depicted by Exhibit "B".

CONCLUSION

In view of the above, Applicants respectfully request that the USPTO grant the petition to withdraw the holding of abandonment for this application and proceed with prosecution by mailing a new Office Action.

(Please attach additional sheets if additional space is necessary)